

JUDICIAL QUALIFICATIONS COMMISSION  
Tallahassee, Florida

Inquiry Concerning a Judge

No. 99-09

**FILED**  
THOMAS D. HALL  
OCT 24 2000  
CLERK, SUPREME COURT  
BY \_\_\_\_\_

TRANSCRIPT OF: TESTIMONY AND PROCEEDINGS  
DATE: April 23, 1999  
PLACE: Lee Room  
Airport Marriott Hotel  
Tampa International Airport  
Tampa, Florida  
TIME: 10:15 a.m.  
REPORTED BY: Karen Kay Skeen, RPR  
Notary Public  
State of Florida at Large

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MEMBERS OF JUDICIAL QUALIFICATIONS COMMISSION  
PRESENT:

Judge Miette K. Burnstein, Chair  
Judge Thomas B. Freeman  
Judge James R. Wolf  
Judge Frank N. Kaney  
Mr. Michael Nachwalter  
Mr. Dale R. Sanders  
Mr. Curtis B. Richardson  
Ms. Patricia T. Heffner  
Dr. Leonard Haber

ALSO PRESENT:

Brooke Kennerly, Executive Director

APPEARANCES:

Thomas C. MacDonald, Jr., Esquire  
JQC General Counsel

Marvin Barkin, Esquire  
Lansing C. Scriven, Esquire  
Special Counsel

Judge Patricia Kinsey, Respondent

Roy Kinsey, Esquire  
Appeared for Respondent

1           The transcript of testimony and  
2       proceedings before the Florida Judicial  
3       Qualifications Commission, taken on the 23rd day of  
4       April, 1999, at the Lee Room, Airport Marriott  
5       Hotel, Tampa International Airport, Tampa, Florida,  
6       beginning at 10:15 a.m., reported by Karen Kay  
7       Skeen, Registered Professional Reporter and Notary  
8       Public, State of Florida at Large.

9                   \* \* \* \* \*

10                   P R O C E E D I N G S

11           THE CHAIR: Well, customarily,  
12       they're sworn. And then you all can either give a  
13       statement or whatever handouts --

14           MR. KINSEY: Well, what we had planned to  
15       do is -- we're unfamiliar with the procedures, even  
16       though we've read the rules -- is I was going to  
17       make a statement. We did have a small amount of  
18       materials -- it's not a large amount -- that we  
19       intended to present. They are individual exhibits  
20       that we can present to the panel.

21           And then we thought if the panel felt it  
22       appropriate, we'd be willing to ask questions.

23           THE CHAIR: Sure. Sure. And would  
24       you like to answer the questions under oath?

25           JUDGE KINSEY: That's fine.

1 THE CHAIR: Okay. Wherever the  
2 court reporter is, she can swear the witness.

3 (Judge Kinsey was duly sworn.)

4 THE CHAIR: Okay.

5 MR. KINSEY: Well, as I said, neither of  
6 us have been -- are familiar with this type of  
7 proceeding. Obviously, Pat was elected in the last  
8 election. Even though I have served on a grievance  
9 committee and done some grievance work, I have never  
10 appeared before the JQC.

11 One of the real questions in my mind as we  
12 approached this, to be frank with you, was whether  
13 or not we felt comfortable appearing before a panel  
14 like this. Obviously, from the materials which we  
15 assume you have gotten -- and we really obviously  
16 don't know exactly what you have gotten. But from  
17 seeing some of it in Pensacola, we realized that the  
18 material presented was presented from a very limited  
19 viewpoint, with a particular slant on it.

20 By way of history, in our area, we have  
21 not had contested judicial elections. The only  
22 thing close to it that we've ever had has been when  
23 a seat becomes open through a retirement and it  
24 becomes vacant in such a way that it's filled by  
25 election, you may have two or three lawyers compete

1 for that seat.

2 It was basically unheard of in our area  
3 for a lawyer to run against an incumbent. As a  
4 result, not only were people totally unfamiliar with  
5 the effective campaign, but there were obviously a  
6 lot of hard feelings. Pat's opponent, Judge Bill  
7 Green, had been in office for 12 years. Bill Green  
8 was a nice guy. He had friends.

9 This campaign was not about whether or not  
10 Bill Green was an honest man or a decent man. This  
11 campaign was about how Bill Green did his job.

12 Pat made the decision to run against Bill  
13 Green in 1992. At that time, she was relatively  
14 recently out of school. Obviously, the law is a  
15 second career for her. She was working for the  
16 state attorney's office and was assigned to Judge  
17 Green's division.

18 One of the things I have learned  
19 about my wife during the time that we have been  
20 married is that she is a perfectionist and she's a  
21 much harder worker than I am. She put a great deal  
22 of effort into her cases. She talks to witnesses at  
23 night, she talks to witnesses during the day, she  
24 does the research.

25 And after a particularly trying day of

1 judge trials when virtually everyone was found not  
2 guilty, being a young lawyer, she went to Judge  
3 Green and said, "Judge, I need your help. I am  
4 obviously doing something wrong. I've worked hard  
5 on these cases. I've met with the witnesses,  
6 prepared them. But everyone was not guilty. And  
7 these were good cases, most of them. And I need  
8 your help because I want to be a good lawyer, and I  
9 need to know what I'm doing wrong."

10 And at that point, Judge Green looked at  
11 her and said, "Well, Pat you're not doing anything  
12 wrong. When I have cases where the only evidence is  
13 a law enforcement officer and a defendant, I go with  
14 the defendant every time."

15 And I remember how amazed not only Pat was  
16 but I was when she came home and told me that.  
17 Obviously, it is just as wrong to always take the  
18 word of a defendant over a law enforcement officer  
19 as it would be to take the word of a law enforcement  
20 officer over a defendant. Any witness's testimony  
21 is entitled to careful consideration. All of us  
22 have read the jury instructions and know the rules  
23 for evaluating the testimony.

24 And initially we thought, well, maybe it  
25 was just a misunderstanding. But as time continued

1 and the same thing continued time and time again, it  
2 was obvious that it wasn't.

3 Interestingly enough -- and this came up  
4 in the campaign -- when Pat was replaced by a lady  
5 named Clara Smith, another assistant state attorney  
6 who is still with the office, Judge Green told her  
7 the same thing. And when this came out in the  
8 campaign, a number of people called Clara and said  
9 "Clara, I can't believe that this happened. Is it  
10 true?" And Clara Smith confirmed it for us.

11 Well, for years law enforcement have  
12 realized that they had a problem with Bill Green.  
13 It is not unusual -- or maybe I should say it was  
14 not unheard of -- to have a law enforcement officer  
15 say, "Judge Green has told me if I ever bring  
16 another disorderly conduct or loitering and prowling  
17 case into his court, he's going to find me in  
18 contempt."

19 For years, I've represented both the  
20 Fraternal Order of Police and the Police Benevolent  
21 Association. So I hear this. I spend a lot of time  
22 with these officers.

23 So starting in 1992, Pat began to make the  
24 decision to run for county judge. I believe the  
25 next election was in '94. And at that point in

1 time she did not have the requisite five-year  
2 membership in the Florida Bar to run. In the  
3 meantime, she had been promoted to the felony  
4 division, where she worked as an assistant until she  
5 resigned to run the 1998 election.

6 When she made the decision to run, she was  
7 very open about it. This was not one of these wait  
8 until the last day of qualifying, run in and  
9 surprise Judge Green. It was common knowledge early  
10 on that she was going to run.

11 As far back, I believe, as November of  
12 '97, a case I was involved with, I wrote Judge Green  
13 a letter and said, "Judge, this case has been  
14 assigned to you. It's common knowledge that my wife  
15 is going to run against you and that I'm obviously  
16 involved in the campaign. I think it's appropriate  
17 that you disqualify yourself." And it was a police  
18 officer who was a defendant. I said, "I don't want  
19 to make this a political issue."

20 And I gave him the opportunity to just  
21 enter the order without having any kind of motion  
22 filed that would in any way embarrass him or call  
23 attention to Pat's candidacy.

24 And if you've had an opportunity to  
25 review the materials that have been provided to you,